

### **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration of this application. By the amendments, Applicants do not acquiesce to the propriety of any of the Office's rejections and do not disclaim any subject matter to which Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

#### **In the Claims**

Claims 1, 14 and 22-34 have been cancelled. Claim 2 has been amended to incorporate the language of claim 1. Claim 20 has been amended to correct the amount of drug within the drug reservoir. Support for the amendment to claim 20 can be found in paragraph [66] of the specification. Claims 2-13 and 15-21 are now pending. No new matter has been introduced as a result of the claim amendments.

#### **Rejections under 35 U.S.C. §102**

Claim 1 has been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by WO 00/25841.

Applicants have cancelled claim 1 and therefore this rejection has been rendered moot. Thus, Applicants respectfully request withdrawal of the rejection on this basis.

#### **Rejections under 35 U.S.C. §112**

Claim 14 has been rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for stents, does not reasonably provide enablement for all drug delivery systems with this composition. Applicants have cancelled claim 14 therefore this rejection has been rendered moot. Thus, Applicants respectfully request withdrawal of the rejection on this basis.

Claim 20 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have amended claim 20 to recite the range of between 1 and 1,000 micrograms per stent. Support for this amendment can be found in the specification, at least in paragraph [66]. Thus, Applicants respectfully request withdrawal of the rejection on this basis.

### **Claim Objections**

Claims 2-19 and 21 have been objected to as dependent on a rejected base claim. Claim 2 has been amended to incorporate the language of claim 1 and as stated by the Office, is now allowable. As claims 3-21 depend, either directly or indirectly, from amended claim 2, these claims are also now allowable. Applicants thank the Office for the favorable consideration of these claims

### **Conclusion**

In light of the amendments presented *supra*, Applicants respectfully assert that the pending claims are in condition for allowance and request that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Response to deposit account No. 50-3207.

Respectfully submitted,

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